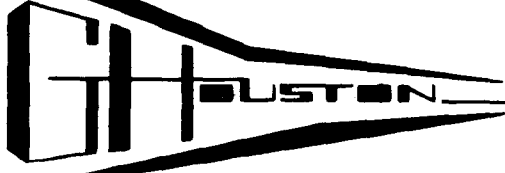


ORIGINAL

FEDERAL MAIL SECTION



ASSOCIATES - ATTORNEYS AT LAW

1010 NORTH FOWLER PHONE (505) 393-0567 • HOBBS, NEW MEXICO 88240

GLEN L. HOUSTON, J.D.

RECEIVED

September 3, 1991

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Third Petition to Dismiss Application
Perla Acosta Ojeda (BPH-9010705-MC)

Attn: Mr. James Crutchfield
Mass Media Bureau - Room 332

Dear Madam Secretary:

Enclosed please find a Third Petition To Dismiss Application
of Perla Acosta Ojeda, in triplicate, filed on behalf of
Rosemary Houston.

If additional information is required, please contact me.

Yours truly,

Glen L. Houston

RECEIVED
SEP 5 1991
FM BRANCH
BPH-910705ML

RECEIVED
SEP 06 1991
FM EXAMINERS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)
PERLA ACOSTA OJEDA) File No. BPH-910705ML
For a Construction Permit)
for a New FM Station)
Hobbs, New Mexico)

To: Chief, FM Branch
Audio Services Division
Mass Media Bureau

RECEIVED
SEP 5 1991
FM BRANCH

THIRD PETITION TO DISMISS APPLICATION

COMES NOW Rosemary Houston and moves the Commission to
dismiss the application of PERLA ACOSTA OJEDA, and states:

1. Petitioner renews her original and second petitions
to dismiss the above application.

2. Upon the public notice being published August 20,
1991, petitioner examined the Public File which had been
deposited at the Hobbs Public Library during the week of
August 12 - 16, 1991. (It is apparent that both of these
required acts were undertaken only after the Petition To
Dismiss was filed.)

3. In connection with Section IV-B - FM Broadcast
Engineering Data, page 4, Question 16, Applicant supplied
a Hobbs USGA 1:250,000 map. She depicted the transmitter
site, its radials and boundaries in parts (a) and (c).
The applicant would have the Commission accept that her
60 dbu (1MV/m) contour lies well within that of the 70 dbu
(3.16 MV/m) contour, and that this has been accomplished
without the use of a directional antenna. This is certified

to in Question 10, page 3. See Exhibit A attached.

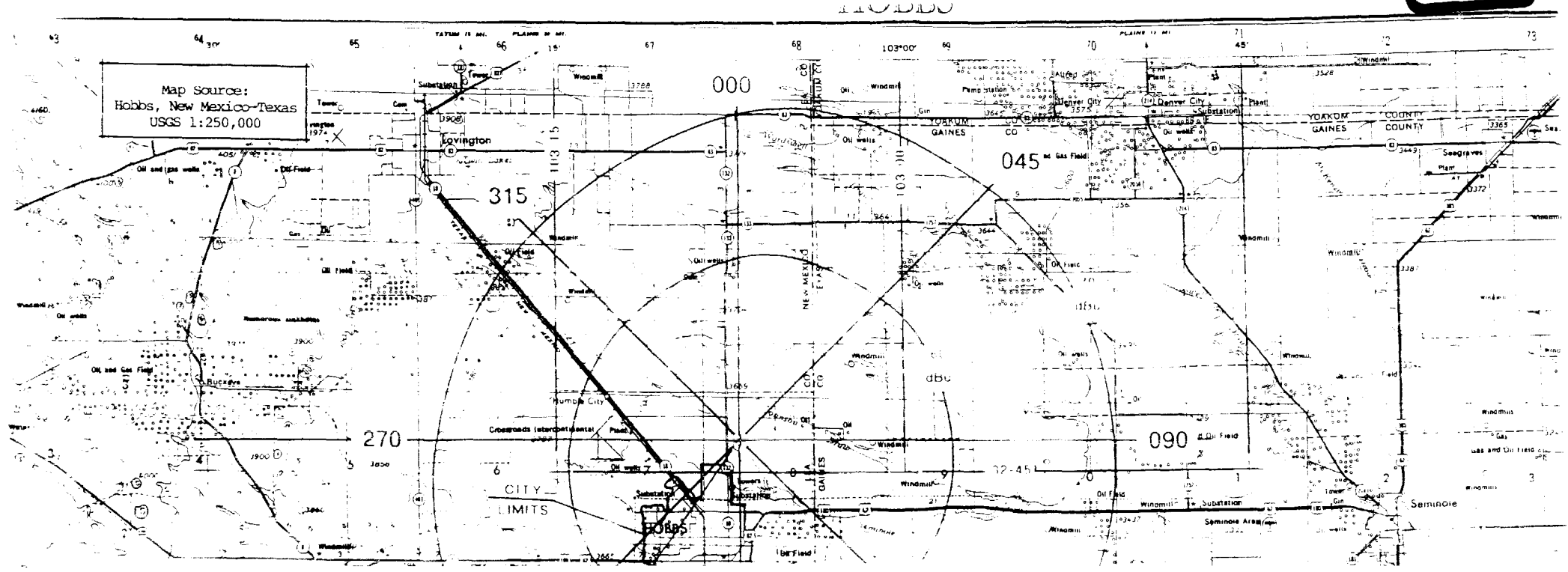
CERTIFICATE OF SERVICE

I, Rosemary Houston, hereby certify that on this 3rd day of September, 1991, copies of the foregoing Third Petition To Dismiss Application were mailed, first class and postage prepaid to:

Mr. Nathaniel F. Emmons
Mr. Mark N. Lipp
Mullin, Rhyne, Emmons and Topel, P.C.
1000 Connecticut Avenue, NW, Suite 500
Washington, DC 20036
Counsel for Perla Acosta Ojeda

Perla Acosta Ojeda
110 South Willow
Hobbs, NM 88240


Rosemary Houston



15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E-1

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-1

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 315 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 1702 sq. km. Population 36,329

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
N/A

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

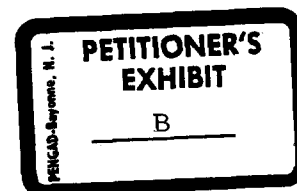
19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 90-second database ☐ 7.5 minute topographic map

(Source: NGDC TPG-0050)

☐ Other *(briefly summarize)*



SELLMEYER ENGINEERING

BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
P. O. Box 356 McKinney, Texas 75069
MEMBER AFCCE

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DISCLAIMER NOTICE

Any coverage contours shown herein are calculated in accordance with the appropriate Federal Communications Commission Rules and Regulations and do not, in any way, constitute a guarantee of specific coverage. FCC regulations prescribe certain methods of coverage calculation which can lead to anomalies in the calculation of coverage in specific instances. Sellmeyer Engineering explicitly does not warrant or guarantee any specific coverage. Sellmeyer Engineering assumes no liability for any errors and omissions in the exhibit hereby provided and shall not be liable for injuries and damages (including consequential damages) which might result from use of the said information.

APPLICABLE LAW

This agreement is made under terms of law in effect at McKinney, Collin County, Texas.

ACCEPTANCE OF TERMS

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